

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HARRINGTON GLOBAL OPPORTUNITY
FUND, LIMITED,

Plaintiff,

v.

CIBC WORLD MARKETS CORP., *et al.*,

Defendants.

Civil Action No. 1:21-cv-00761 (LGS)

Hon. Lorna G. Schofield

**STIPULATION AND [PROPOSED] ORDER REGARDING
PLAINTIFF'S PROPOSED SECOND AMENDED COMPLAINT**

Plaintiff Harrington Global Opportunity Fund, Limited (“Plaintiff”) and Defendants CIBC World Markets Corp., CIBC World Markets Inc., TD Securities, Inc., TD Securities (USA) LLC, BofA Securities, Inc., and Merrill Lynch Canada, Inc. (together, “Defendants” and collectively with Plaintiff, the “Parties”), by and through their respective undersigned counsel of record, stipulate as follows:

WHEREAS, on November 30, 2022, the Court ordered the parties to submit a jointly proposed stipulation and order setting forth a schedule for Plaintiff to file a second amended complaint and briefing on Defendants’ anticipated motion to dismiss that complaint (ECF No. 128),

NOW, THEREFORE, PLAINTIFF AND DEFENDANTS HEREBY STIPULATE AND AGREE, as follows:

1. Plaintiff shall file the Second Amended Complaint no later than 7 days after the Court so-orders this Stipulation.
2. Defendants shall move to dismiss the Second Amended Complaint no later than 40 days after Plaintiff files the Second Amended Complaint.

3. Plaintiff shall file its brief in opposition no later than 40 days after Defendants move to dismiss the Second Amended Complaint.

4. Defendants shall file any brief in reply no later than 20 days after Plaintiff files its Opposition to Defendants' Motion to Dismiss.

5. Consistent with the Private Securities Litigation Reform Act, 15 U.S.C. § 78(u)–4(b)(3)(B), discovery is stayed as of the date the Court so-orders this Stipulation until the Court's decision concerning Defendants' motion to dismiss.

6. By entering into this Stipulation and consenting to the filing of the Second Amended Complaint, Defendants do not waive and explicitly preserve any and all defenses or arguments they may possess concerning the futility of the Second Amended Complaint, including without limitation any arguments that the Second Amended Complaint is untimely under the statute of limitations and the statute of repose.

Dated: December 9, 2022
New York, New York

/s/ Abby F. Rudzin

Abby F. Rudzin
William J. Martin
O'MELVENY & MEYERS LLP
Seven Times Square
New York, NY 10026
(212) 326-2000
arudzin@omm.com
wmartin@omm.com

*Counsel for Defendants BofA Securities, Inc.
and Merrill Lynch Canada, Inc.*

/s/ Alan M. Pollack

Alan M. Pollack
Felicia S. Ennis
Leron Thumim
WARSHAW BURSTEIN, LLP
575 Lexington Avenue, 7th Floor
New York, New York 10022
(212) 984-7700
apollock@wbny.com
fennis@wbny.com
lthumim@wbny.com

/s/ Jamie Dycus

Jamie Dycus
David Lesser
KING & SPALDING LLP
1185 Avenue of the Americas
34th Floor
New York, NY 10036
(212) 556-2100
jdycus@kslaw.com
dlesser@kslaw.com

*Counsel for Defendants TD Securities, Inc.,
and TD Securities (USA) LLC*

/s/ James Wes Christian

James Wes Christian, Esq.
Ardalan Attar, Esq.
CHRISTIAN LEVINE LAW GROUP, LLC
2302 Fannin, Suite 205
Houston, Texas 77002
(713) 659-7617
jchristian@christianlevinelaw.com
aattar@christianlevinelaw.com

*Counsel for Plaintiff Harrington Global
Opportunity Fund*

/s/ Sandra D. Hauser

Sandra D. Hauser
DENTONS US LLP
1221 Avenue of the Americas
New York, NY 10020
(212) 768-6802
sandra.hauser@dentons.com

Stephen J. Senderowitz
233 South Wacker Drive, Suite 5900
Chicago, IL 60606
(312) 876-8141
stephen.senderowitz@dentons.com

*Counsel for Defendants CIBC World
Markets Corp. and CIBC World Markets Inc.*

SO ORDERED:

Dated: December ____, 2022
New York, New York

Hon. Lorna G. Schofield
United States District Judge